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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,713	09/05/2003	Quoc Le	BEAS-01454US6	8788
23910	7590	06/19/2007		
FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER BACKER, FIRMIN	
			ART UNIT 3621	PAPER NUMBER
			MAIL DATE 06/19/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/655,713	Applicant(s) LE ET AL.	
	Examiner FIRMIN BACKER	Art Unit 3621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2007.  
2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-27 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Terminal Disclaimer*

1. The terminal disclaimer filed on April 17<sup>th</sup>, 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Application 10/655,811 has been reviewed and is accepted. The terminal disclaimer has been recorded.
2. The provisional double patenting has been withdrawn.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Narin et al (U.S. PG Pub 2004/0158709).

5. As per claim 1, Narin et al teach a method comprising: maintaining digital records of software licenses for a group, the digital records indicating rights associated with software licenses, the digital records being accessible by a group member using a web application; and

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accessing, by the group member, the web application to input information concerning an software license that is not stored in the digital records so as to allow an administrator to add the missing software license (*see abstract, fig 11, paragraphs 0140-0154*).

6. As per claims 2-9, Narin et al teach a method wherein the web application provides the information to the administrator, allows the administrator to accept or deny the missing license and wherein accepted licenses are added to digital records, to request additional information from the group member, web application can be used to adjust the rights associated with the software license, to provide license keys for the software, uses role based security, stores configuration information for the computers running the licensed software (*see abstract, fig 11, paragraphs 0140-0154*).

7. As per claim 10, Narin et al teach a license management system comprising: a memory adapted to store digital records of software licenses for a group, the digital records indicating rights associated with software licenses, and a processor adapted provide a web application to allow a group member to access the digital records, the web application allowing a group member to input information concerning an software license that is not stored in the digital records so as to allow an administrator to add the missing software license (*see abstract, fig 11, paragraphs 0140-0154*).

8. As per claims 11-18, Narin et al teach a method wherein the web application provides the information to the administrator, allows the administrator to accept or deny the missing license

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and wherein accepted licenses are added to digital records, to request additional information from the group member, web application can be used to adjust the rights associated with the software license, to provide license keys for the software, uses role based security, stores configuration information for the computers running the licensed software (*see abstract, fig 11, paragraphs 0140-0154*).

9. As per claim 19, Narin et al teach a computer readable media comprising software to instruct a computer to do the steps of: maintaining digital records of software licenses for a group, the digital records indicating rights associated with software licenses, the digital records being accessible by a group member using a web application; and in response to accessing, by the group member, the web application to input information concerning an software license that is not stored in the digital records, enabling an administrator to add the missing software license (*see abstract, fig 11, paragraphs 0140-0154*).

10. As per claim 20-27, Narin et al teach a method wherein the web application provides the information to the administrator, allows the administrator to accept or deny the missing license and wherein accepted licenses are added to digital records, to request additional information from the group member, web application can be used to adjust the rights associated with the software license, to provide license keys for the software, uses role based security, stores configuration information for the computers running the licensed software (*see abstract, fig 11, paragraphs 0140-0154*).

***Response to Arguments***

11. Applicant's arguments filed April 17<sup>th</sup>, 2007 have been fully considered but they are not persuasive.

a. Applicant argue that the prior art Narin et al. does not include web application that allows the input of missing licensee information as disclosed in the claims. Examiner respectfully disagrees with Applicant's characterization of the prior art. Narin et al teach among other things a system that enables publishing applications/users to name groups or classes of licensees in a rights label 308. In such an embodiment, the license issuing entity will evaluate any groups/classes named in the rights label to determine if the current licensee identity is a member of those groups classes. *If membership in a named group/class is found, the issuing entity could add the rights or set of rights associated with the group/class to the rights description data structure used for the license (emphasis added).* Therefore the rejection is sustained

***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

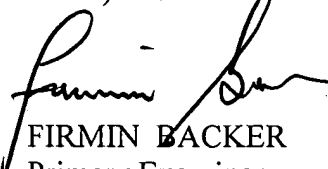
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FIRMIN BACKER whose telephone number is 571-272-6703. The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
FIRMIN BACKER  
Primary Examiner  
Art Unit 3621

June 5, 2007